

# **EXHIBIT K**

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

In re Terrorist Attacks on September 11, 2001	03-md-1570 (GBD)(SN)  ECF Case
This document relates to:  <i>Thomas Burnett, Sr., et al. v. The Islamic Republic of Iran, et al.</i>	15-cv-9903 (GBD) (SN)  ECF Case

**DECLARATION OF JOHN DRAPAS, JR.**

I, JOHN DRAPAS, JR., pursuant to 28 U.S.C. § 1746, do hereby declare under penalty of perjury as follows:

1. I am more than 18 years of age and competent to testify in court to the matters stated below. The statements made in this Declaration are based on my personal knowledge unless otherwise indicated.

2. I was a citizen of the United States on September 11, 2001, and remain so today. Attached as **Exhibit A** to this Declaration is a true and correct copy of my birth certificate as proof of citizenship.

3. On September 11, 2001, I was working for Electronic Data Systems Corporation (“EDS”) as a civilian contractor working on EDS’s contract with the Department of Army’s Information Management Center, and was present at the Pentagon (in Room 1C543) when the terrorist attacks on the Pentagon occurred. Attached as **Exhibit B** to this Declaration is a true and correct copy of a letter from EDS confirming my employment.

4. On September 11, 2001, I heard a thunderous crash followed by subsequent crashes growing in volume and intensity. The lights in my office and PC went off instantly. There were

no windows in my office and the room was very dark. The walls and ceilings began to fall. I screamed at the top of my lungs. I was terrified and believed that these would be the last moments of my life. I felt a force of wind, although it felt far stronger than any wind I had ever experienced. I could hear a loud “whooshing” sound and felt the wind, the force, flowing over my body. I began to think I am going to die. In the moments that the ceiling fell, I believed that the entire five-story building was collapsing on top of me and that I would be crushed to death.

5. I managed to leave the Pentagon under my own power and went to the First-Aid station in the Pentagon to receive assistance. I was barely able to walk, became faint, was put on stretcher, and lost a great deal of blood and was in shock. I was then taken to Arlington Hospital.

6. As a result of the terrorist attacks on September 11, 2001, I suffered a traumatic brain injury, severe Post-Traumatic Stress Disorder (“PTSD”), depression, anxiety, emotional trauma, including fear of impending death, pain and suffering, loss of enjoyment of life, loss of future income and support, and scarring to my forehead. My office at the Pentagon was destroyed by the attack. The walls and ceiling collapsed on me causing numerous lacerations, bodily bruises and a concussion (which after treatment and testing by a neurologist was determined to be a traumatic brain injury). The largest laceration required 12 stitches to my forehead. I bled profusely and went into shock outside of the Pentagon. Small particles of debris were embedded in my head. I was also covered in debris which I inhaled contemporaneous with the incident. A scar remains on the upper left-hand side of my forehead. Each time I see the scar I am reminded of the terrorist attacks.

7. Following the terrorist attacks on September 11, 2001, I was dazed, depressed, and dealing with unusual cognitive problems. I sought therapy to address PTSD and became

increasingly concerned about my cognitive problems. I was evaluated by Andrew D. McCarthy, M.D., a neurologist at the National Rehabilitation Hospital in Washington, D.C. After an EEG, MRI, and neuropsychological testing was complete, Dr. McCarthy diagnosed me with as having a moderate brain injury, which devastated me. Attached as **Exhibit C** to this Declaration are true and correct copies of my medical records related to the treatment I received following the September 11, 2001 terrorist attacks.

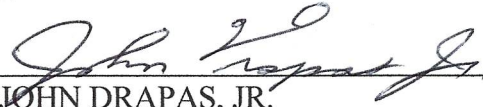
8. I have since battled PTSD and depression daily and have struggled with the effects of moderate brain injury. The brain injury has left me slower, less articulate, unable to recall and process information quickly, and unable to learn new information as I had been able to previously. I have lived with humiliation, grief, and diminished ego over the loss of my former personality, brain, and life. Everyday household chores such as cleaning, yard work, and house projects have been difficult to complete. Often, one small task could take many hours or even a few days to complete.

9. The effects of the terrorist attacks have made me forgetful and reserved in social situations, which I have often tried to avoid. I have been uncomfortable in everyday settings and startled by sounds. For example, I have been startled and become fearful by the sounds of sirens. I was unable to ride the metro train for fear, which eliminated many activities and opportunities. In indoor areas, such as malls, I have been afraid of ceilings caving in or walls crumbling down around me.

10. I previously pursued a claim (Claim Number VCF 212-003069) through the September 11<sup>th</sup> Victim Compensation Fund, specifically related to my physical injuries incurred on September 11, 2001, and my claim was determined to be eligible for compensation.

I DECLARE, VERIFY AND STATE UNDER PENALTY OF PERJURY that the foregoing is true and correct.

DATED this 9<sup>th</sup> day of January 2020.

  
\_\_\_\_\_  
JOHN DRAPAS, JR.

# **Exhibits Filed Under Seal**